

Article 7.

DEFINITIONS

SECTION 7.0 WORDS AND PHRASES:

For the purpose of this ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

The word “may” shall be deemed as permissive. Words used in the future tense include the present;

Words used in the present tense include the future;

Words used in the singular include the plural;

Words used in the plural include the singular;

Words used in the masculine include the feminine;

Words used in the feminine include the masculine;

The word “shall” is mandatory;

AASHTO: American Association of State Highway and Transportation Officials.

ACCESSORY BUILDING OR USE, CUSTOMARY: A “customary accessory building or use” is one which:

- a. Is subordinate to and serves the principal building or principal use;
- b. Is subordinate in area, extent, or purpose, to the principal building or principal use served;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served (does not include places of residence); and
- d. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off- street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

ACCESS POINT: An access point is:

- (1) A driveway, a local street, or a collector street intersecting an arterial street;
- (2) A driveway or a local street intersecting a collector street; or
- (3) A driveway or a local street intersecting a local street.

AGRICULTURAL USE: The use of a tract of at least five (5) contiguous acres for the production of agricultural, horticultural, floriculture or viticulture crops, including, but not limited to, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, dairy products, livestock, livestock products, poultry products, and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities; and including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

AIRPORT: A defined public or private land area designed and set aside for the landing and taking-off of aircraft. An airport includes all necessary runways, taxiways, passenger terminals, parking areas, aircraft maintenance, storage buildings and open spaces.

AIR RIGHTS: The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development (depending on the individual property in question) that is reasonably necessary or legally required for the full and free use of the ground surface.

ALLEY: Public rights-of-way which normally affords a secondary means of access to abutting property.

APARTMENT: A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

APARTMENT HOUSE: See DWELLINGS, MULTI-FAMILY.

ASSISTED LIVING: An apartment or home-style housing unit residence which provides assisted living to two or more adult persons and which provides supportive services, such as cleaning, shopping, meals, laundry, transportation, 24-hour supervision, and organized activities, within the residence or on the grounds of the residence.

AUTOMOBILE LAUNDRY: A building or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin operated devices, of the above nature, which are operated on a self-service basis shall be construed to be the same.

AUTOMOBILE AND TRAILER SALES AREAS: Any area used for the display, sale, or rental of new or used automobiles or trailers, and where only minor incidental repair of such automobiles or trailers may take place.

AUTOMOBILE AND TRUCK SERVICE AND REPAIRS (Major): Establishments primarily engaged in major automotive and truck repairs including, but not limited to, body restoration and engine overhauls. This use also includes establishments engaged in painting and refinishing of vehicles.

AUTOMOTIVE SERVICE AND REPAIRS (Minor): Establishments primarily engaged in routine general automotive services and repairs.

AUTOMOTIVE WRECKING: This dismantling or wrecking of used motor vehicles, mobile homes, or trailers; or the storage, sale, or dumping of dismantled, wrecked vehicles or their parts. The presence of two or more non-operational motor vehicle on a lot for a time period exceeding thirty days shall constitute evidence regarding the establishment of an automobile wrecking yard. Also may be referred to as a junkyard.

BASEMENT: That portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, ventilating facilities, but which is not ordinarily used for purposes of general household habitation.

BED AND BREAKFAST INN: An operator occupied dwelling unit where short term lodging rooms and meals are provided for compensation on a small scale.

BOARD OF ADJUSTMENTS: Board of Adjustments of the legislative body.

BUFFER AREA: Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or structures not compatible, due to design, function, use or operation.

BUILDING: A structure enclosed within exterior walls or firewalls for the shelter, housing, support, or enclosure of persons, animals, or property of any kind.

BUILDING, ALTERATION OF: Any change, addition, or rearrangement in the walls, beams, columns, or girders of a building, or an addition to a building or movement of a building from one location to another. This definition shall include any change in the intensity of the use of a building.

BUILDING AREA OR LOT COVERAGE BY BUILDING: That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted accessory uses.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED: A building surrounded by open space on the same lot or tract of land.

BUILDING, HEIGHT OF: The vertical distance measured from average elevation of the finished grade adjoining the building at the front building line to the highest point of the roof surfaces, if a flat roof; to the deck line of a mansard roof; and to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING INSPECTOR: The official or officials appointed by the legislative body to administer and enforce the building codes.

BUILDING PERMIT: A permit issued by the legislative body's building inspector authorizing the construction or alteration of a specific building, structure, sign, or fence.

BUILDING, PRINCIPAL: The building on a lot used to accommodate the primary use to which the premises are devoted.

BUILDING SETBACK LINE: A horizontal distance line, which is generally parallel to the related front, rear, or side lot line. The building setback line cannot encroach upon the required minimum yard dimensions for principally permitted and accessory uses or structures.

BUILDING SITE: One contiguous piece of land that meets all of the provisions of the legislative body's ordinances, regulations, and codes for building on said site.

CAMPING/VACATION MOBILE UNIT: Any coach, truck, cabin, trailer, house trailer, house car or other vehicle or structure intended for, designed for, and used for temporary human habitation or sleeping purposes, mounted upon wheels or supports,

whether permanent or temporary, or supported and/or capable of being moved by its own power or transported by another vehicle.

CANOPY (MARQUEE): A roof-like structure open on three (3) sides serving the purpose of protecting pedestrians from rain, snow, sun or hail, which structure projects from a building.

CARPORT: See **GARAGE, PRIVATE.**

CHILD DAY CARE CENTER: See **NURSERY SCHOOL.**

CITIZEN MEMBER: Any member of the Planning Commission or Board of Adjustments who is not an elected or appointed official or employee of the legislative body.

CLINIC, ANIMAL: A building used by medical persons for the treatment of small animals on an outpatient basis only, without animal runs.

CLINIC, HUMAN: A building used by medical persons for the treatment of persons on an outpatient basis.

CLUB: An association of persons for some common objective usually jointly supported and meeting periodically.

COIN OPERATED LAUNDRY: See **LAUNDROMAT**

COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION): The Grant County Planning Commission, Grant County, Commonwealth of Kentucky.

COMPATIBILITY STANDARDS: Standards that have been enacted by this ordinance under the authority of KRS 100.348 for the purpose of protecting and preserving the monetary value of real property located concerning the placement of qualified manufactured homes within the local government's jurisdiction.

COMPREHENSIVE (MASTER) PLAN: A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relation. It shall contain, as a minimum, the following elements:

- A. A statement of goals and objectives, principles, policies, and standards;
- B. A land use plan element;
- C. A transportation plan element;
- D. A community facilities plan element;
- E. May include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, and others.

CONCEALED LIGHTING: An artificial light source intended to illuminate the face of a sign, the direct source of which is shielded from public view and surrounding properties.

CONDITIONAL USE: A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on

location, size, extent, and character of performance are imposed in addition to those imposed within this ordinance.

CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use, issued by the zoning administrator, pursuant to authorization by the board of adjustments, consisting of two parts:

- A. A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and
- B. A statement of the specific conditions, which must be met in order for the use to be permitted.

CONDOMINIUM: A condominium is an ownership arrangement, not a land use. It is an individual ownership of a unit in a multi-unit structure.

CONFORMING USE: Any lawful use of a building, structure, lot, sign or fence, which complies, with the provisions of this ordinance.

CURB CUT: Any interruption, or break in the line of a street curb in order to provide vehicular access to a street. In the case of streets without curbs, curb cuts shall represent construction of any vehicular access, which connects to said street.

DAY CARE CENTER: A day care center shall mean or include any home, center, agency, or place, however styled, where persons, not related to the operator, are received for custodial care apart from their primary caregiver whether for compensation, reward, or otherwise, during part or all of the day or night and upon any number of successive day or nights.

DECIBEL: A unit of measurement of the intensity (loudness) of sound. Sound level meters, which are employed to measure the intensity of sound, are calibrated in “decibels”.

DEVELOPMENT PLAN: Written and/or graphic material for the provision of a development, including, but not limited to, the potential function of the following: location and bulk of buildings and other structures, intensity of land use, density of development, streets, public ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man made and natural conditions, and any other development provisions agreed to by the commission and the applicant.

DISTRICT: For purposes of this ordinance, synonymous with “ZONE”.

DORMITORY: A residence hall providing rooms for individuals or groups.

DRIVEWAY: Any private access to a residence or private road that connects to a publicly maintained right-of-way established as a means of ingress and egress to a property.

DWELLING: Any building which is completely intended for, designed for, and used for residential purposes, but for the purposes of this ordinance, shall not include a hotel-motel, hotel, motel, nursing home, tourist cabins, college or university dormitories, or military barracks.

DWELLING, ATTACHED, SINGLE-FAMILY: A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the building to ground level and which has no less than two (2) exterior walls fully exposed and not in common with the exterior walls of any other unit.

DWELLING, DETACHED, SINGLE-FAMILY: A dwelling standing by itself and containing only one (1) dwelling unit, separate from other dwellings by open space, but shall not include the term manufactured home.

DWELLING, TOWNHOUSE: A single-family attached dwelling consisting of one dwelling from ground to roof, a separate entrance and having more than one floor or story, but sharing walls with another dwelling unit or accessory structure of another dwelling unit, where three or more dwelling units are so combined (attached).

DWELLING, TRAILER: See **MOBILE HOME**.

DWELLING, TWO-FAMILY: A residential building designed, arranged, or used exclusively by two (2) families, each of which has independent access to each dwelling unit, living independently of each other.

DWELLING, MULTI-FAMILY: A residential building having three (3) or more dwelling units, as separate housekeeping units, each of which has independent access to each dwelling unit.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one (1) person or one (1) family.

EASEMENT: The right which one person has to use the land of another for a specific purpose not inconsistent with a general property in the owner and not including the right to participate in the profits of the soil charged with it. Precisely, a liberty, privilege, or advantage in land without profit, exists distinct from the ownership of the soil. Including but not limited to water lines, sewers, telephone, electric and utility lines and the right of ingress and egress to and from the premises of a lot owner to a street, alley or roadway. Easement recorded as a matter of public record.

EATING ESTABLISHMENTS—RESTAURANTS: A restaurant is an establishment selling food items ordered from a menu and primarily prepared on the premises for immediate consumption.

- A. Carry-out—A fast service restaurant, which does not have sit down eating arrangements and consumption of food on the premises.
- B. Drive-in—A restaurant where consumption of food on the premises (in car, no seating facilities) and where food is provided by “car-hop” or self-service.
- C. Sit-Down Restaurants—Those restaurants that provide seating arrangements.
- D. Combination—A restaurant, which provides any combination of sit down, carryout, and/or drive-in, services.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, including but not limited to: underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare.

FAMILY: An individual or two (2) or more persons related by blood or marriage, or group of not more than three (3) persons (excluding servants) who need not be related by blood or marriage, living together in a single housekeeping unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

FENCE: A structure made of wire, wood, metal, masonry, or other material, including hedges.

FILLING STATION: See **SERVICE STATION**.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland waters; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) mud slides (i.e., mud flows) which are proximately caused or precipitated by accumulations of water on or under the ground.

FLOOD - 100 YEAR FREQUENCY: The highest level of flooding that, on the average, is likely to occur once every 100 years.

FLOOD PLAIN OR FLOOD PRONE AREA: Any normally dry land area that is susceptible to being inundated by water from any source.

FLOOD WAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulative increasing the water surface elevation more than one foot at any point.

FLOOD WAY ENCROACHMENT LINES: The lines marking the limits of flood ways on the official zoning map.

FLOOR AREA, GROSS: The sum of the gross horizontal area of the several floors of a dwelling unit or units exclusive of porches, balconies, and garages, measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating dwelling units. For uses other than residential, the gross floor area shall be measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses. The gross floor area shall not include floors used for parking space when such parking pertains to a residential, commercial, or office used in the same structure.

FRATERNITY OR SORORITY: A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the said institution.

FRATERNITY/SORORITY HOUSE: A building used by a fraternity or sorority to provide living quarters for some or all members as well as to provide study, meeting, recreational and other facilities.

FRONTAGE: All the property abutting on one (1) side of the right- of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable for frontage.

GARAGE, PRIVATE: A building used primarily for the storage of vehicles and clearly accessory to the principal use permitted.

GROUP DAY CARE: A group day care home is one that provides care in a family home during the day for one and not more than six persons, including the any family member(s) with established residence in the home.

HOME OCCUPATION: Personal services, professional offices or studios; occupation that is clearly customarily conducted entirely within a dwelling, as permitted herein and further meeting all requirements of this ordinance.

HOME OWNERS ASSOCIATION: A private, nonprofit corporation of homeowners and/or residents of a defined area for the purpose of owning, operating, and maintaining various common properties.

HOSPITAL (HUMAN CARE): A building used by medical persons for treatment of persons generally on an in-patient basis.

HOSPITAL (ANIMAL): A building used by medical persons for treatment of animals generally on an in-patient basis and may have outside runs.

HOTEL-MOTEL: A building or buildings to be used for the temporary abiding place for travelers and transient guests.

HOUSE TRAILER: See **MOBILE HOME**.

INDUSTRIAL PARK: A defined geographic area planned and coordinated for the development of various industrial uses and associated activities. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, storm water management, building design, signage, and landscaping.

INFRASTRUCTURE: The total composition of public, semi-public and private utilities, facilities and service, which make urban areas possible. The infrastructure includes roads, rail, transit, sewage, water, storm drainage, education, fire, police, recreation, general public health, general public administration and revenue.

JUNK YARD: An open area where waste materials are bought, sold, exchanged, stored, shredded, baled, packed, disassembled, etc., including, but not limited to, scrap metals, paper, rags, rubber tires, bottles, inoperative motor vehicles, inoperative farm or construction machinery, etc.

KENNEL: Any area in which, at a minimum three (3), domestic animals are maintained for commercial purposes including but not limited to grooming, breeding, boarding, training, raising and selling of said domestic animals.

LABORATORY, MEDICAL OR DENTAL: A building or a portion of a building used for providing bacteriological, biological, medical, x-ray, pathological, and similar analytical or diagnostic services to doctors or dentists.

LANDMINIUM: A subdivision with access and maintenance agreements which is similar to a condominium except that a purchaser of a unit receives fee simple title both to the unit and the land underlying the unit. A landminium is a subdivision within the meaning of and subject to the Grant County Subdivision Regulations.

LANDFILL: A facility designed and used for the disposal of solid waste in an appropriate manner that minimizes potential environmental degradation. Hazardous, toxic, or radioactive waste disposal is not permitted in a landfill.

LANDSCAPING: The preservation, addition, and maintenance of trees, bushes, plants and/or other natural features for an area to produce an aesthetic appearance for socio-environmental reasons.

LAUNDROMAT: A business that provides washing, drying and/or ironing machines for hire to be used by customers on the premises.

LDN (Level of noise day and night): The average noise level created by over a twenty-four (24) hour period. Noise level is measured in decibels (DBA) logarithmically averaged over a twenty-four (24) hour period.

LEASABLE AREA, GROSS: The total floor area designed for tenant occupancy and exclusive use, including but not limited to: basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

LEGISLATIVE BODY: Grant County Fiscal Court, City of Corinth, City of Crittenden, City of Dry Ridge and/or City of Williamstown.

LIVESTOCK: Domestic animals of types customarily raised or kept on farms for profit or other productive purposes.

LOADING AND/OR UNLOADING SPACE: A space used for the temporary standing, loading and/or unloading of vehicles.

LOT: A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group, as permitted herein, together with their accessory buildings or uses and such access, yards, and open spaces required under this ordinance.

LOT AREA: The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way, the waters of any lake or river, and shall be in one (1) zone only.

LOT, CORNER: A “corner lot” is a lot situated at the intersection of two streets or on a curved street on which the interior angle of such intersection or curved street does not exceed one hundred thirty-five (135) degrees.

LOT, DEPTH OF: The distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot that has frontage on more than one (1) street.

LOT, INTERIOR: A lot other than a corner lot with only one (1) frontage on a deeded and occupied public right-of-way.

LOT, FLAG: A lot with primary access provided to the bulk of the lot through the means of a panhandle access corridor.

LOT LINE, FRONT: The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the main building faces.

LOT LINE, REAR: The boundary line of a lot, which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

LOT LINE, SIDE: Any boundary line of a lot, other than a front lot line or rear lot line.

LOT OF RECORD: A designated fractional part or subdivision of a block, according to a specific recorded plat or survey, the map of which has been officially accepted and recorded in the office of the Grant County Clerk, Commonwealth of Kentucky. For the purpose of this ordinance, a land contract, filed with the office of the Grant County Clerk before the adoption date of this ordinance, shall be considered a lot of record.

LOT WIDTH: The width of the lot as measured along the building front setback line.

MANUFACTURED HOME: A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein. The Manufactured Home is intended for installation or assembly at the building site as a permanent Structure with transport features removed, bearing a seal certifying that it is built in compliance with Federal Manufacturing Housing Construction and Safety Act standards. For the purpose of this Ordinance, Double AND triple width manufactured structures, which are fabricated on individual chassis with wheels and are designed to be joined shall be considered a manufactured home.

MANUFACTURED HOME PARK: Any lot, parcel, or premises, subdivided, designed, maintained, intended, and/or used to accommodate three (3) or more manufactured homes, and meets the requirements as specified in this ordinance. For the purpose of this ordinance, any lot or premises used for the wholesale or retail sale of manufactured homes shall not be included within this definition.

MINIMUM BUILDING SETBACK LINE: A line parallel to the front, side, and/or rear lot line and set back from the lot line a distance to provide the required minimum yard space, as specified in this ordinance.

MINIMUM FRONT YARD DEPTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the front lot line, as defined herein, and the front lot line.

MINIMUM REAR YARD DEPTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the rear lot line, as defined herein, and the rear lot line.

MINIMUM SIDE YARD WIDTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the side lot line, as defined herein, and the side lot line.

MOBILE HOME: A Structure for residential use constructed prior to July 15, 1976, being the effective date of the Federal Manufactured Housing Construction and Safety Act Standards (Title 42 of the United States Code), and transportable which is built on its own chassis and designed with, or without, a permanent foundation for year-round living when connected to the required utilities. It can consist of one or more sections that can be telescoped when towed and expanded later for additional capacity or of 2 or more sections separately towable designed to be joined into one integral unit. As used herein, Mobile Home shall include a house trailer, but shall not include camping trailer, travel trailer, recreational vehicle, pickup coach or auto camper.

MODULAR HOUSING: Housing manufactured off site, often mass-produced and designed so that sections are interchangeable. For purposes of this ordinance, this definition shall not include mobile homes and shall be applicable to manufactured home requirements of this ordinance.

MUNICIPALITY: For the purpose of this ordinance, municipality shall mean any county, city, consolidated local government, or municipal corporation of any and every class in the Commonwealth of Kentucky, including county sewer districts.

NKADD: Northern Kentucky Area Development District

NON-CONFORMING LOT: A lot which was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

NON-CONFORMING USE OR STRUCTURE: An activity or a building, sign, fence, structure, or a portion thereof, which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the regulations contained in this ordinance or amendments thereto which pertain to the zone in which it is located.

NOXIOUS MATTER OR MATERIALS: Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals as determined by the appropriate health department.

NURSERY SCHOOL: Any building used for the daytime care or education of preschool age children with or without compensation, and including all accessory buildings and play areas.

NURSING HOME: A health establishment that provides nursing care under the direction of a Kentucky licensed physician to patients who, for reason of illness or physical infirmities, are unable to care for themselves properly.

OCTAVE BAND: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

OCTAVE BAND FILTER: An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

ODOROUS MATTER: Any matter or material that yields an odor which is offensive in any way to a person with reasonable sensitivity.

PARKING AREA, OFF-STREET: An open, surfaced area other than the rights-of-way of a street, alley, or place, used for temporary parking of motor vehicles.

PARKING BUILDING OR GARAGE: A building or portion thereof designed, intended and used exclusively for the temporary parking of motor vehicles which may be publicly or privately owned and/or operated.

PARTICULATE MATTER: Any material, except un-combined water, which exists in a finely divided, suspended form as a liquid or solid at standard conditions.

PERFORMANCE STANDARDS: Criteria established to control, but not limited to: building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate matter, gasses, radiation, storage, fire, and explosive hazards, and humidity, heat, or glare generated by or inherent in, uses of land or buildings.

PERMANENT FOUNDATION: A system of supports that is: (1) capable of transferring without failure, into soil or bedrock, the maximum design load imposed by or upon a structure; (2) constructed of concrete; and (3) placed at a depth below grade adequate to prevent frost damage.

PLANNED UNIT DEVELOPMENT (PUD): A large scale, unified land development which permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces through flexible regulations which encourage creative design to preserve the natural features of the site.

QUALIFIED MANUFACTURED HOME: A manufactured home that meets all of the following criteria:

- a) Is manufactured on or after July 15, 2002;
- b) Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- c) Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- d) Has a minimum total living area of nine hundred (900) square feet; and
- e) Is not located in a manufactured home land-lease community;

f) Has met the requirements of Article 9, Section 9.30 of this Ordinance.

RAILROAD RIGHTS-OF-WAY: A strip of land within which the railroad tracks and auxiliary facilities for track operation are normally located, but not including freight depots or stations, loading platforms, train sheds, warehouses, care or locomotive shops, or car yards.

RECYCLING CENTER: A completely enclosed facility that collects, sorts, and processes for shipment to recycling plant recoverable resources such as newspapers, glassware, plastics and aluminum cans.

RECYCLING COLLECTION POINT: A neighborhood collection point for the temporary storage of recoverable resources for shipment to a recycling plant.

RECYCLING PLANT: A facility that is not a junkyard and in which recoverable resources are recycled, reprocessed and treated in order to return such materials to a condition in which they may be used in the production of additional goods.

RESIDENTIAL CLUSTER DEVELOPMENT (RCD): A large scale, unified land development which permits a clustering of attached and detached single-family residential dwellings, with common recreation/open spaces, through flexible regulations which encourage creative design to preserve the natural features, foliage, and other characteristics of the site.

REST HOME: Any building, institution, residence, or home used as a place of abode for the reception and care of three (3) or more persons, who by reasons of age, mental, or physical infirmities, are not capable of properly caring for themselves.

SCHOOLS, PUBLIC: An institution or place for instruction or education belonging to and maintained under public authority and open to the public for their attendance.

SERVICE FACILITIES, PUBLIC UTILITIES: Service facilities include all facilities of public utilities operating under the jurisdiction of the Public Service Commission, or the Department of Motor Transportation, or Federal Power Commission, and common carriers by rail, other than office space, garage and warehouse space and include office space, garage space and warehouse space when such space is incidental to a service facility.

SERVICE STATION: Any building, structure, or land used for the dispensing, sale, or offering for sale at retail, of any automobile fuels, oils, or accessories and in connection with which is performed general automotive servicing other than body work.

SEWERS, CENTRAL OR GROUP: A central sewage treatment facility for a single development, community, or region with an accompanying collection network. Must be designed to properly provide for the safe treatment and disposal of the generated raw sewage. Subject to the approval by the appropriate sanitation and health officials.

SEWERS, ON-SITE: A septic tank or similar installation on an individual lot, which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of raw sewage. Subject to the approval of the appropriate health and sanitation officials.

SIGN: Any combination of letters, pictures, characters, or other display used to identify or direct attention to some activity or direction.

SIGN, ADVERTISING: A sign, which directs attention to a business, commodity, service or entertainment, conducted, sold or offered:

- A. Only elsewhere than upon the premises where such sign is located or to which it is affixed, or;
- B. As a minor and incidental activity upon the premises where the sign is located.

SIGN, BUSINESS: A sign which directs attention to a business, profession, industry, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered upon said premises and located upon the premises where such sign is displayed.

SIGN, IDENTIFICATION: A sign used to identify: the name of the individual, family, organization, or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.

SIGN, ANIMATED: Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign.

SIGN, FLAT: Any sign, which is attached directly, in rigid manner and parallel to the building wall.

SIGN, FLASHING: Any sign having a conspicuous and intermittent variation in the illumination of the sign.

SIGN, AREA OF: The entire area within a single continuous perimeter enclosing the limits of a sign. However, such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

SIGN, GROUND: Any sign erected, constructed, or maintained directly upon the ground or upon uprights or braces placed in the ground, with a maximum permitted ground clearance of three (3) feet.

SIGN, INDIVIDUAL LETTER: Letters and/or numbers individually fashioned from metal, glass, plastic or other materials and attached directly to the wall of a building, but not including a sign painted on a wall or other surface.

SIGN, POLE: Any sign affixed to a freestanding supporting pole or poles, embedded in, and extending upward from the ground with a ground clearance exceeding three (3) feet.

SIGN, PROJECTING: Any sign projecting from the face of a building and securely attached to the building by bolts, anchors, chains, guys, or to posts, poles, or angle irons attached directly to the building.

SIGN, WINDOW: Any type of sign or outdoor advertising device which is attached to a window of any building, but shall not extend past the limits of said window. For the purpose of Article 14, SIGN REGULATIONS, the word “window” shall be construed to mean any glass, which comprises part of the surface of the wall regardless of its immovability.

SITE PLAN: A plan prepared to scale showing accurately and with complete dimensioning, the location of all proposed uses and all site development features for a specified site. A site plan addressed physical design, location of structures, access management, interior vehicular and pedestrian access, storm water management,

landscaping, signage, provision of all required improvements, and the interrelationship of the various site plan components.

SOLID WASTE DISPOSAL FACILITY: See **LANDFILL**.

SOUND LEVEL METER: An instrument standardized by the American Standards Association for measurement of intensity of sound.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this ordinance, a basement shall be counted as a story.

STORY, HALF: A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

STREET, PRIVATE: A private roadway, which affords access to abutting property for private users of such property. For the purposes of density calculations, a private street shall constitute the areas of its paved surface and sidewalks or the private right-of-way if designated on the recorded plat.

STREET, PUBLIC: A public roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principal means of access to abutting property. For purposes of density calculations, a public street shall constitute all of the area within the public right-of-way.

STREET, ARTERIAL: Public thoroughfares, which serve the major movements of traffic within and through the community as, identified in the adopted comprehensive plan.

STREET, COLLECTOR: Public thoroughfares which serve to collect and distribute traffic primarily from local to arterial streets.

STREET, EXPRESSWAY: A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

STREET, FREEWAY: A divided multi-line highway for through traffic with all crossroads separated in grades and with full control of access.

STREET, FRONTAGE ROAD (SERVICE OR ACCESS ROAD): A street adjacent to a freeway, expressway, or arterial street separated there from by a dividing strip and providing access to abutting properties.

STREET, LOCAL: Roadways, which are designed to be used primarily for direct access to abutting properties and feeding into the collector street system.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including such as: buildings, mobile homes, signs, fences, etc.

SUBDIVISION: The division of a parcel of land into three or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land

for agricultural purposes and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.

SWIMMING POOL, OUTDOOR: Any structure or device of any kind that is intended for swimming purposes, including but not limited to: any pool or tank of any material or type of construction, or any depression or excavation in any natural or constructed material, or any dike or berm of any material or type of construction; including all appurtenances to such structure or device is intended to cause, or would cause if completely filled, the retaining of water to a greater depth than eighteen (18) inches at any point. Any such structure or device shall be deemed to be included within the meaning of the term “structure” as used in this ordinance.

Outdoor swimming pools shall be deemed to consist of the following classes: private, semi-public, public and commercial, as follows:

- A. Private: when consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests.
- B. Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, club, etc., and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.
- C. Public: a swimming pool operated by a unit of government for the general public.
- D. Commercial: a swimming pool operated for profit, open to the public upon payment of a fee.

TRAILER: See **MOBILE HOME**.

USE, PERMITTED: A use, which may be lawfully established, if permitted, in a particular zone provided it conforms to all requirements of such zone.

VARIANCE, DIMENSIONAL: A variance is an exception granted from the literal enforcement of the zoning regulations where, by reasons of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the regulations or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height, or width of a building or size of yards, but not intensity) of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted other landowners in the same zone district. It is a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

WHOLESALE: the selling of goods in relatively large quantities at low prices to retailers.

YARD DEPTH, FRONT: An area extending the full width of the lot or building site measured between a line parallel to the street right-of-way line intersecting the foremost point of any building excluding steps and unenclosed porches and the front lot line, as defined herein.

YARD DEPTH, REAR: An area extending across the full width of the lot and measured between a line parallel to the rear lot line, as defined herein, which intersects the rearmost point of any building excluding steps and unenclosed porches and the rear lot line.

YARD WIDTH, SIDE: An area between any building and the side lot line, as defined herein, extending from the front to the rear yard or on through lots or building sites from one front lot line to the other front lot line.

ZONE: An established area within the legislative body for which the provisions of this ordinance are applicable. (Synonymous with the word “DISTRICT”).

ZONING ADMINISTRATOR: The official or officials appointed by the legislative body to administer and enforce the provisions of this ordinance.

ZONING DISTRICT: A mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the intensity of such uses, and the maximum height and minimum setbacks for any proposed structures.

ZONING PERMIT: A permit issued by the Planning Commission authorizing the permitted use of a lot and/or a structure and its accompanying characteristics.

ZONING REGULATIONS: The minimum land use requirements for each zoning district, adopted for the promotion of public health, safety, morals, and general welfare. Whenever the requirements of these regulations conflict with the requirement of any lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.